IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

LA.App..No. 906 of 1999()

LAR.194/1994 of II ADDL.SUB COURT,TRIVANDRUM
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APPELLANT:

STATE OF KERALA

BY GOVERNMENT PLEADER K.V. MANOJ

RESPONDENTS:
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1. SMT. M.JANAKI AMMA, MELEMADATHIL VEEDU, TRIPADAPURAM, ATTIPRA,

2. SMT. M.GIRIJA DEVI, MELEMADATHIL VEEDU, TRIPADAPURA, ATTIPRA.

3. G.VIJAYARAGHAVAN, S/O GOPALAPILLAI, CHIEF EXECUTIVE OFFICER, ELECTRONICS - TECHNOLOGY PARKS (KERALA), KARIAVATTOM P.O., TVM.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ

L.A.A. 906/1999

Dated this the 18th day of September, 2007

JUDGMENT

Kurian Joseph, J

This appeal is filed against LAR.194/1994 on the file of the II Additional Sub Court, Thiruvananthapuram. Acquisition is for the purpose of Techno Park, Kazhakuttom. The notification was published in the year 1991 and the Award was passed in the year 1993. The main contention appears to be on the categorisation of the land. The land is a partly converted dry land. Reliance is placed on the report of the Advocate Commissioner. Though the Court below did not accept as such the report of the Commissioner, it was noted that there were fifteen coconut palms in the acquired land. No doubt as rightly observed by the reference Court, 1.54 ares of property cannot contain 15 coconut palms. So taking note of the factual situation as above and on the strength of the report of the Advocate Commissioner also, the land value has been fixed at the rate of Rs.4,900/- per Are. In the absence of any evidence to the contra regarding the categorization of the land as above, it

cannot be said that the fixation is improper. It was also found by the Court that the property has direct access to the National Highway and the entire acquired land had been lying as a compact area. In such circumstances, there is no merit in this appeal and the same is dismissed.

KURIAN JOSEPH
Judge

HARUN-UL-RASHID
Judge

mrcs